

ORIGINAL

IN THE DISTRICT COURT OF THE UNITED STATES
MIDDLE DISTRICT OF ALABAMA

MONTGOMERY DIVISION
2001 MAR -2 A 9:58

IN RE: DANIEL LAFITTE DUMONDE,

Plaintiff,

*
DEBRA P. HACKETT, CLK
U.S. DISTRICT COURT
MIDDLE DISTRICT ALA

VS.

WARDEN, D.DREW, FPC MONTGOMERY,

*
CASE No. 2:07cv188-mht

PAUL D. CLEMENT, SOLICITOR -

*

GENERAL, and THE UNITED STATES-

*

OF AMERICA, Et.al.,

*

-Defendants/Respondents.

/

MOTION FOR CHANGE OF VENUE AND TRANSFER OF-
HABEAS CORPUS PETITION TO DISTRICT OF COLUMBIA

COMES NOW THE PLAINTIFF, DANIEL LAFITTE DUMONDE, having (re)-asserted his right to Habeas Corpus as privilege provided by Article §1, Section 9, Cl 2, United States Constitution, and using Statutory vehicle of Title 28, U.S.C. §1651, makes this motion in this Honorable Court for CHANGE OF VENUE, pursuant to Title 28 U.S.C. §1404(a) TO THE DISTRICT COURT AT THE DISTRICT OF COLUMBIA, citing this as an expedient cause made in the interests of Justice. In support of this motion, Plaintiff would state the following:

(1) That the cause of the petition and instant motion is the result of malfeasance against Plaintiff by State of Alabama-Authorities, seizing Plaintiff from his Home by use of Fraudulent-Instruments, the government then Usurping those facts.

(3.) Plaintiff has previously named the State actors defendants- in a now-(dismissed) lawsuit. The District Court in Birmingham, Alabama, has illegally heard the same Bad State Facts in the criminal case, and Unfairly showed partiality to the State Actors.

(3.) Plaintiff states that this Court has shown **Actual Prejudice** to Plaintiff in the past, where a previous Habeas Petition, #2:05-CV-855-D(WO), was transferred to the Birmingham Court-over Plaintiff's written objections, citing bias and Prejudice there, and subsequently, summarily dismissed after it's transfer.

(SEE ATTACHMENT)

(4.) Also, The Solicitor General of The United States, is a Respondent Party, as some Issues of The Writ concern the Solicitor General, Paul D. Clement, directly, and that office is located in The District of Columbia.

WHEREFORE ON THE ABOVE PREMISES CONSIDERED, PLAINTIFF MAKES THIS MOTION FOR CHANGE OF VENUE OF THE INSTANT HABEAS CORPUS PETITION TO THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF COLUMBIA , PURSUANT TO PROVISIONS OF TITLE 28, USC §1404(a) TO AVOID CONFLICT, PREJUDICE AND DELAY OF JUSTICE.

RESPECTFULLY SUBMITTED,

THIS THE 26 DAY OF FEBRUARY, 2007,

By-



DANIEL L. DUMONDE, PLAINTIFF, PRO-SE
#21609-001, MOBILE-B
F.P.C. MAXWELL AIR FORCE BASE
MONTGOMERY, ALABAMA, 36112

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PROOF OF SERVICE

That I, Daniel Lafitte DuMonde, Plaintiff in the foregoing Motion for Change of Venue an Transfer of Habeas Corpus Petition to District of Columbia,

Do hereby certify that I have caused true copy of this Motion to be sent via U.S. Mail, postage paid, to the following:

Clerk's Office,

Nancy M. Mayer-Whittington, Clerk

E. Barrett Prettyman U.S. Courthouse,

333 Constitution Avenue, N.W.

Washington, D.C., 20001

DONE, THIS 28 DAY OF FEBRUARY, 2007

by-

/s/ Daniel L. Lafitte

DANIEL L. DUMONDE, PLAINTIFF, PRO-SE

#21609-001, MOBILE-B

F.P.C. Maxwell Air Force Base

MONTGOMERY, ALABAMA, 36112

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION

DANIEL LAFITTE DUMONDE

*

Petitioner,

*

v.

*CIVIL ACTION NO. 2:05-CV-855-D
(WO)

UNITED STATES OF AMERICA, *et al.*,

*

Respondents.

*

RECOMMENDATION OF THE MAGISTRATE JUDGE

Petitioner filed this application for habeas corpus relief in this court on September 6, 2005. Petitioner is currently serving a term of imprisonment following his 2005 conviction for Making, Possessing and Uttering a Counterfeit Security While Aided and Abetted by Another Person, in violation of 18 U.S.C. § 513(a) & (2), which was entered against him by the United States District Court for the Northern District of Alabama. It is matters related to this conviction which Petitioner seeks to challenge in the instant application for habeas corpus relief.¹

¹Although Petitioner captions this petition as one filed under 28 U.S.C. § 2241, any attempt to challenge his federal conviction is more appropriately filed under the provisions of 28 U.S.C. § 2255. Additionally, any attempt to challenge the constitutionality of the conduct and/or actions of government officials with regard to matters arising out of Petitioner's arrest, trial, and/or conviction on the federal charges may be more appropriately filed in a *Bivens* action. Regardless, it appears clear that transfer of this cause to the United States District Court for the Northern District of Alabama is appropriate as all the matters about which Petitioner complains and all the witnesses and documents associated with such matters are located within that jurisdiction.